

AMENDED IN ASSEMBLY JULY 3, 2014
AMENDED IN ASSEMBLY JUNE 12, 2014
AMENDED IN ASSEMBLY MARCH 10, 2014
AMENDED IN ASSEMBLY JUNE 18, 2013
AMENDED IN SENATE MAY 8, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 419

Introduced by Senator Block

February 21, 2013

An act to amend Sections 1214 and 2085.5 of the Penal Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as amended, Block. Restitution: collection of fines and fees.

(1) Existing law requires the court to order criminal defendants to pay restitution to the victim or victims as well as a restitution fine. Existing law makes any portion of a restitution fine or restitution fee that remains unsatisfied after a defendant is no longer on probation, parole, postrelease community supervision, or mandatory supervision, or after the defendant has completed diversion enforceable by the California Victim Compensation and Government Claims Board, as specified, and authorizes a local collection program to continue to enforce restitution orders once a defendant is no longer on probation, postrelease community supervision, or mandatory supervision.

This bill, in addition, would make restitution fines and fees that remain unsatisfied after a person has completed a term in custody in a county

jail enforceable by the California Victim Compensation and Government Claims Board and would authorize a local collection program to continue to collect those fines and fees.

(2) Existing law authorizes the collection of restitution fines and fees from inmates in county jails by an agency designated by the county board of supervisors. Existing law authorizes the local agency to deduct and retain administrative fees for fines collected from certain county jail inmates.

This bill would also authorize the local agency to charge those county jail inmates, upon their release from custody, a fee to cover the actual administrative cost of collection, up to 10% of the total amount ordered to be paid.

(3) *This bill would, contingent upon the enactment of SB 1197 of the 2013–14 Regular Session, incorporate additional conforming changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1214 of the Penal Code is amended to
2 read:
3 1214. (a) If the judgment is for a fine, including a restitution
4 fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or
5 Section 1203.04 as operative on or before August 2, 1995, or
6 Section 13967 of the Government Code, as operative on or before
7 September 28, 1994, with or without imprisonment, or a diversion
8 restitution fee ordered pursuant to Section 1001.90, the judgment
9 may be enforced in the manner provided for the enforcement of
10 money judgments generally. Any portion of a restitution fine or
11 restitution fee that remains unsatisfied after a defendant is no longer
12 on probation, parole, postrelease community supervision pursuant
13 to Section 3451, or mandatory supervision pursuant to
14 subparagraph (B) of paragraph (5) of subdivision (h) of Section
15 1170, after a term in custody pursuant to subparagraph (A) of
16 paragraph (5) of subdivision (h) of Section 1170, or after
17 completing diversion is enforceable by the California Victim
18 Compensation and Government Claims Board pursuant to this
19 section. Notwithstanding any other provision of law prohibiting
20 disclosure, the state, as defined in Section 900.6 of the Government
21 Code, a local public entity, as defined in Section 900.4 of the

Government Code, or any other entity, may provide the California Victim Compensation and Government Claims Board any and all information to assist in the collection of unpaid portions of a restitution fine for terminated probation or parole cases, or of a restitution fee for completed diversion cases. For purposes of the preceding sentence, “state, as defined in Section 900.6 of the Government Code,” and “any other entity” shall not include the Franchise Tax Board. A local collection program may continue to ~~enforce collect restitution fines and restitution fine~~ orders once a defendant is no longer on probation, postrelease community supervision, or mandatory supervision or after a term in custody pursuant to subparagraph (A) of paragraph (5) of subdivision (h) of Section 1170.

(b) In any case in which a defendant is ordered to pay restitution, the order to pay restitution (1) is deemed a money judgment if the defendant was informed of his or her right to have a judicial determination of the amount and was provided with a hearing, waived a hearing, or stipulated to the amount of the restitution ordered, and (2) shall be fully enforceable by a victim as if the restitution order were a civil judgment, and enforceable in the same manner as is provided for the enforcement of any other money judgment. Upon the victim’s request, the court shall provide the victim in whose favor the order of restitution is entered with a certified copy of that order and a copy of the defendant’s disclosure pursuant to paragraph (5) of subdivision (f) of Section 1202.4, affidavit or information pursuant to paragraph (6) of subdivision (f) of Section 1202.4, or report pursuant to paragraph (8) of subdivision (f) of Section 1202.4. The court also shall provide this information to the district attorney upon request in connection with an investigation or prosecution involving perjury or the veracity of the information contained within the defendant’s financial disclosure. In addition, upon request, the court shall provide the California Victim Compensation and Government Claims Board with a certified copy of any order imposing a restitution fine or order and a copy of the defendant’s disclosure pursuant to paragraph (5) of subdivision (f) of Section 1202.4, affidavit or information pursuant to paragraph (6) of subdivision (f) of Section 1202.4, or report pursuant to paragraph (8) of subdivision (f) of Section 1202.4. A victim shall have access to all resources available under the law to enforce the restitution order, including, but not

1 limited to, access to the defendant's financial records, use of wage
2 garnishment and lien procedures, information regarding the
3 defendant's assets, and the ability to apply for restitution from any
4 fund established for the purpose of compensating victims in civil
5 cases. Any portion of a restitution order that remains unsatisfied
6 after a defendant is no longer on probation, parole, postrelease
7 community supervision under Section 3451, or mandatory
8 supervision imposed pursuant to subparagraph (B) of paragraph
9 (5) of subdivision (h) of Section 1170 or after a term in custody
10 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
11 of Section 1170 is enforceable by the victim pursuant to this
12 section. Victims and the California Victim Compensation and
13 Government Claims Board shall inform the court whenever an
14 order to pay restitution is satisfied. A local collection program may
15 continue to enforce victim restitution orders once a defendant is
16 no longer on probation, postrelease community supervision, or
17 mandatory supervision or after completion of a term in custody
18 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)
19 of Section 1170.

20 (c) Except as provided in subdivision (d), and notwithstanding
21 the amount in controversy limitation of Section 85 of the Code of
22 Civil Procedure, a restitution order or restitution fine that was
23 imposed pursuant to Section 1202.4 in any of the following cases
24 may be enforced in the same manner as a money judgment in a
25 limited civil case:

- 26 (1) In a misdemeanor case.
27 (2) In a case involving violation of a city or town ordinance.
28 (3) In a noncapital criminal case where the court has received
29 a plea of guilty or nolo contendere.

30 (d) Chapter 3 (commencing with Section 683.010) of Division
31 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
32 to any of the following:

33 (1) A judgment for court-ordered fines, forfeitures, penalties,
34 fees, or assessments.

35 (2) A restitution fine or restitution order imposed pursuant to
36 Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as
37 operative on or before August 2, 1995, or Section 13967 of the
38 Government Code, as operative on or before September 28, 1994.

39 (3) A diversion restitution fee ordered pursuant to Section
40 1001.90.

SEC. 1.5. Section 1214 of the Penal Code is amended to read:

1214. (a) If the judgment is for a fine, including a restitution fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or Section 1203.04 as operative on or before August 2, 1995, or Section 13967 of the Government Code, as operative on or before September 28, 1994, with or without imprisonment, or a diversion restitution fee ordered pursuant to Section 1001.90, the judgment may be enforced in the manner provided for the enforcement of money judgments generally. Any portion of a restitution fine or restitution fee that remains unsatisfied after a defendant is no longer on probation, parole, postrelease community supervision pursuant to Section 3451, *or mandatory supervision—under pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, or has completed after a term in custody pursuant to subparagraph (A) of paragraph (5) of subdivision (h) of Section 1170, or after completing* diversion is enforceable by the California Victim Compensation and Government Claims Board pursuant to this section. Notwithstanding any other provision of law prohibiting disclosure, the state, as defined in Section 900.6 of the Government Code, a local public entity, as defined in Section 900.4 of the Government Code, or any other entity, may provide the California Victim Compensation and Government Claims Board any and all information to assist in the collection of unpaid portions of a restitution fine for terminated probation or parole cases, or of a restitution fee for completed diversion cases. For purposes of the preceding sentence, “state, as defined in Section 900.6 of the Government Code,” and “any other entity” shall not include the Franchise Tax Board. A local collection program may continue to ~~enforce collect restitution fines and~~ restitution orders once a defendant is no longer on probation, postrelease community supervision, or mandatory supervision. ~~supervision or after a term in custody pursuant to subparagraph (A) of paragraph (5) of subdivision (h) of Section 1170.~~

(b) In any case in which a defendant is ordered to pay restitution, the order to pay restitution (1) is deemed a money judgment if the defendant was informed of his or her right to have a judicial determination of the amount and was provided with a hearing, waived a hearing, or stipulated to the amount of the restitution ordered, and (2) shall be fully enforceable by a victim as if the restitution order were a civil judgment, and enforceable in the same

1 manner as is provided for the enforcement of any other money
2 judgment. Upon the victim's request, the court shall provide the
3 victim in whose favor the order of restitution is entered with a
4 certified copy of that order and a copy of the defendant's disclosure
5 pursuant to paragraph (5) of subdivision (f) of Section 1202.4,
6 affidavit or information pursuant to paragraph (6) of subdivision
7 (f) of Section 1202.4, or report pursuant to paragraph (8) of
8 subdivision (f) of Section 1202.4. The court also shall provide this
9 information to the district attorney upon request in connection with
10 an investigation or prosecution involving perjury or the veracity
11 of the information contained within the defendant's financial
12 disclosure. In addition, upon request, the court shall provide the
13 California Victim Compensation and Government Claims Board
14 with a certified copy of any order imposing a restitution fine or
15 order and a copy of the defendant's disclosure pursuant to
16 paragraph (5) of subdivision (f) of Section 1202.4, affidavit or
17 information pursuant to paragraph (6) of subdivision (f) of Section
18 1202.4, or report pursuant to paragraph (8) of subdivision (f) of
19 Section 1202.4. A victim shall have access to all resources available
20 under the law to enforce the restitution order, including, but not
21 limited to, access to the defendant's financial records, use of wage
22 garnishment and lien procedures, information regarding the
23 defendant's assets, and the ability to apply for restitution from any
24 fund established for the purpose of compensating victims in civil
25 cases. Any portion of a restitution order that remains unsatisfied
26 after a defendant is no longer on probation, parole, postrelease
27 community supervision under Section 3451, or mandatory
28 supervision imposed pursuant to subparagraph (B) of paragraph
29 (5) of subdivision (h) of Section 1170 *or after a term in custody*
30 *pursuant to subparagraph (A) of paragraph (5) of subdivision (h)*
31 *of Section 1170* is enforceable by the victim pursuant to this
32 section. Victims and the California Victim Compensation and
33 Government Claims Board shall inform the court whenever an
34 order to pay restitution is satisfied. A local collection program may
35 continue to enforce victim restitution orders once a defendant is
36 no longer on probation, postrelease community supervision, or
37 ~~mandatory supervision~~ *supervision or after completion of a term*
38 *in custody pursuant to subparagraph (A) of paragraph (5) of*
39 *subdivision (h) of Section 1170.*

1 (c) *A defendant who owes a restitution fine, a restitution order,*
2 *or any portion thereof, and who is released from the custody of a*
3 *county jail facility after a term in custody pursuant to*
4 *subparagraph (A) of paragraph (5) of subdivision (h) of Section*
5 *1170 shall have a continuing obligation to pay the restitution fine*
6 *or restitution order in full.*

7 ~~(e)~~

8 (d) Except as provided in subdivision (d), and notwithstanding
9 the amount in controversy limitation of Section 85 of the Code of
10 Civil Procedure, a restitution order or restitution fine that was
11 imposed pursuant to Section 1202.4 in any of the following cases
12 may be enforced in the same manner as a money judgment in a
13 limited civil case:

14 (1) In a misdemeanor case.

15 (2) In a case involving violation of a city or town ordinance.

16 (3) In a noncapital criminal case where the court has received
17 a plea of guilty or nolo contendere.

18 ~~(d)~~

19 (e) Chapter 3 (commencing with Section 683.010) of Division
20 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply
21 to any of the following:

22 (1) A judgment for ~~any~~ court-ordered fines, forfeitures, penalties,
23 fees, or assessments.

24 (2) ~~Any~~ A restitution fine or restitution order imposed pursuant
25 to Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as
26 operative on or before August 2, 1995, or Section 13967 of the
27 Government Code, as operative on or before September 28, 1994.

28 (3) ~~Any~~ A diversion restitution fee ordered pursuant to Section
29 1001.90.

30 SEC. 2. Section 2085.5 of the Penal Code is amended to read:

31 2085.5. (a) In any case in which a prisoner owes a restitution
32 fine imposed pursuant to subdivision (a) of Section 13967 of the
33 Government Code, as operative prior to September 28, 1994,
34 subdivision (b) of Section 730.6 of the Welfare and Institutions
35 Code, or subdivision (b) of Section 1202.4, the Secretary of the
36 Department of Corrections and Rehabilitation shall deduct a
37 minimum of 20 percent or the balance owing on the fine amount,
38 whichever is less, up to a maximum of 50 percent from the wages
39 and trust account deposits of a prisoner, unless prohibited by
40 federal law, and shall transfer that amount to the California Victim

1 Compensation and Government Claims Board for deposit in the
2 Restitution Fund in the State Treasury. The amount deducted shall
3 be credited against the amount owing on the fine. The sentencing
4 court shall be provided a record of the payments.

5 (b) (1) When a prisoner is punished by imprisonment in a
6 county jail pursuant to subdivision (h) of Section 1170, in any case
7 in which a prisoner owes a restitution fine imposed pursuant to
8 subdivision (a) of Section 13967 of the Government Code, as
9 operative prior to September 28, 1994, subdivision (b) of Section
10 730.6 of the Welfare and Institutions Code, or subdivision (b) of
11 Section 1202.4, the agency designated by the board of supervisors
12 in the county where the prisoner is incarcerated is authorized to
13 deduct a minimum of 20 percent or the balance owing on the fine
14 amount, whichever is less, up to a maximum of 50 percent from
15 the county jail equivalent of wages and trust account deposits of
16 a prisoner, unless prohibited by federal law, and shall transfer that
17 amount to the California Victim Compensation and Government
18 Claims Board for deposit in the Restitution Fund in the State
19 Treasury. The amount deducted shall be credited against the
20 amount owing on the fine. The sentencing court shall be provided
21 a record of the payments.

22 (2) If the board of supervisors designates the county sheriff as
23 the collecting agency, the board of supervisors shall first obtain
24 the concurrence of the county sheriff.

25 (c) In any case in which a prisoner owes a restitution order
26 imposed pursuant to subdivision (c) of Section 13967 of the
27 Government Code, as operative prior to September 28, 1994,
28 subdivision (h) of Section 730.6 of the Welfare and Institutions
29 Code, or subdivision (f) of Section 1202.4, the Secretary of the
30 Department of Corrections and Rehabilitation shall deduct a
31 minimum of 20 percent or the balance owing on the order amount,
32 whichever is less, up to a maximum of 50 percent from the wages
33 and trust account deposits of a prisoner, unless prohibited by
34 federal law. The secretary shall transfer that amount to the
35 California Victim Compensation and Government Claims Board
36 for direct payment to the victim, or payment shall be made to the
37 Restitution Fund to the extent that the victim has received
38 assistance pursuant to that program. The sentencing court shall be
39 provided a record of the payments made to victims and of the

1 payments deposited to the Restitution Fund pursuant to this
2 subdivision.

3 (d) When a prisoner is punished by imprisonment in a county
4 jail pursuant to subdivision (h) of Section 1170, in any case in
5 which a prisoner owes a restitution order imposed pursuant to
6 subdivision (c) of Section 13967 of the Government Code, as
7 operative prior to September 28, 1994, subdivision (h) of Section
8 730.6 of the Welfare and Institutions Code, or subdivision (b) of
9 Section 1202.4, the agency designated by the board of supervisors
10 in the county where the prisoner is incarcerated is authorized to
11 deduct a minimum of 20 percent or the balance owing on the order
12 amount, whichever is less, up to a maximum of 50 percent from
13 the county jail equivalent of wages and trust account deposits of
14 a prisoner, unless prohibited by federal law. The agency shall
15 transfer that amount to the California Victim Compensation and
16 Government Claims Board for direct payment to the victim, or
17 payment shall be made to the Restitution Fund to the extent that
18 the victim has received assistance pursuant to that program, or
19 may pay the victim directly. The sentencing court shall be provided
20 a record of the payments made to the victims and of the payments
21 deposited to the Restitution Fund pursuant to this subdivision.

22 (e) The secretary shall deduct and retain from the wages and
23 trust account deposits of a prisoner, unless prohibited by federal
24 law, an administrative fee that totals 10 percent of any amount
25 transferred to the California Victim Compensation and Government
26 Claims Board pursuant to subdivision (a) or (c). The secretary
27 shall deduct and retain from any prisoner settlement or trial award,
28 an administrative fee that totals 5 percent of any amount paid from
29 the settlement or award to satisfy an outstanding restitution order
30 or fine pursuant to subdivision (n), unless prohibited by federal
31 law. The secretary shall deposit the administrative fee moneys in
32 a special deposit account for reimbursing administrative and
33 support costs of the restitution program of the Department of
34 Corrections and Rehabilitation. The secretary, at his or her
35 discretion, may retain any excess funds in the special deposit
36 account for future reimbursement of the department's
37 administrative and support costs for the restitution program or may
38 transfer all or part of the excess funds for deposit in the Restitution
39 Fund.

(f) When a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, the agency designated by the board of supervisors in the county where the prisoner is incarcerated is authorized to deduct and retain from the county jail equivalent of wages and trust account deposits of a prisoner, unless prohibited by federal law, an administrative fee that totals 10 percent of any amount transferred to the California Victim Compensation and Government Claims Board pursuant to subdivision (b) or (d). The agency is authorized to deduct and retain from a prisoner settlement or trial award, an administrative fee that totals 5 percent of any amount paid from the settlement or award to satisfy an outstanding restitution order or fine pursuant to subdivision (n), unless prohibited by federal law. Upon release from custody pursuant to subdivision (h) of Section 1170, the agency is authorized to charge a fee to cover the actual administrative cost of collection, not to exceed 10 percent of the total amount ordered to be paid. The agency shall deposit the administrative fee moneys in a special deposit account for reimbursing administrative and support costs of the restitution program of the agency. The agency is authorized to retain any excess funds in the special deposit account for future reimbursement of the agency's administrative and support costs for the restitution program or may transfer all or part of the excess funds for deposit in the Restitution Fund.

(g) In any case in which a parolee owes a restitution fine imposed pursuant to subdivision (a) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (b) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the secretary, or, when a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, the agency designated by the board of supervisors in the county where the prisoner is incarcerated, may collect from the parolee *or person previously imprisoned in county jail* any moneys owing on the restitution fine amount, unless prohibited by federal law. The secretary or the agency shall transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. The amount deducted shall be credited against the amount owing on the fine. The sentencing court shall be provided a record of the payments.

(h) In any case in which a parolee owes a direct order of restitution, imposed pursuant to subdivision (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (h) of Section 730.6 of the Welfare and Institutions Code, or paragraph (3) of subdivision (a) of Section 1202.4, the secretary, or, when a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, the agency designated by the board of supervisors in the county where the prisoner is incarcerated or a local collection program, may collect from the parolee or person previously imprisoned in county jail any moneys owing, unless prohibited by federal law. The secretary or the agency shall transfer that amount to the California Victim Compensation and Government Claims Board for direct payment to the victim, or payment shall be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program. The sentencing court shall be provided a record of the payments made by the offender pursuant to this subdivision.

(i) The secretary, or, when a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, the agency designated by the board of supervisors in the county where the prisoner is incarcerated, may deduct and retain from moneys collected from parolees *or persons previously imprisoned in county jail* an administrative fee that totals 10 percent of any amount transferred to the California Victim Compensation and Government Claims Board pursuant to subdivision (g) or (h), unless prohibited by federal law. The secretary shall deduct and retain from any settlement or trial award of a parolee an administrative fee that totals 5 percent of an amount paid from the settlement or award to satisfy an outstanding restitution order or fine pursuant to subdivision (n), unless prohibited by federal law. The agency is authorized to deduct and retain from any settlement or trial award of a ~~parolee~~ *person previously imprisoned in county jail* an administrative fee that totals 5 percent of any amount paid from the settlement or award to satisfy an outstanding restitution order or fine pursuant to subdivision (n). The secretary or the agency shall deposit the administrative fee moneys in a special deposit account for reimbursing administrative and support costs of the restitution program of the Department of Corrections and Rehabilitation or the agency, as applicable. The secretary, at his or her discretion, or the agency may retain any excess funds in the

1 special deposit account for future reimbursement of the
2 department's or agency's administrative and support costs for the
3 restitution program or may transfer all or part of the excess funds
4 for deposit in the Restitution Fund.

5 (j) When a prisoner has both a restitution fine and a restitution
6 order from the sentencing court, the Department of Corrections
7 and Rehabilitation shall collect the restitution order first pursuant
8 to subdivision (c).

9 (k) When a prisoner is punished by imprisonment in a county
10 jail pursuant to subdivision (h) of Section 1170 and that prisoner
11 has both a restitution fine and a restitution order from the
12 sentencing court, if the agency designated by the board of
13 supervisors in the county where the prisoner is incarcerated collects
14 the fine and order, the agency shall collect the restitution order
15 first pursuant to subdivision (d).

16 (l) When a parolee has both a restitution fine and a restitution
17 order from the sentencing court, the Department of Corrections
18 and Rehabilitation, or, when the prisoner is punished by
19 imprisonment in a county jail pursuant to subdivision (h) of Section
20 1170, the agency designated by the board of supervisors in the
21 county where the prisoner is incarcerated, may collect the
22 restitution order first, pursuant to subdivision (h).

23 (m) If an inmate is housed at an institution that requires food
24 to be purchased from the institution canteen for unsupervised
25 overnight visits, and if the money for the purchase of this food is
26 received from funds other than the inmate's wages, that money
27 shall be exempt from restitution deductions. This exemption shall
28 apply to the actual amount spent on food for the visit up to a
29 maximum of fifty dollars (\$50) for visits that include the inmate
30 and one visitor, seventy dollars (\$70) for visits that include the
31 inmate and two or three visitors, and eighty dollars (\$80) for visits
32 that include the inmate and four or more visitors.

33 (n) Compensatory or punitive damages awarded by trial or
34 settlement to any inmate, parolee, person placed on postrelease
35 community supervision pursuant to Section 3451, or defendant on
36 mandatory supervision imposed pursuant to subparagraph (B) of
37 paragraph (5) of subdivision (h) of Section 1170, in connection
38 with a civil action brought against a federal, state, or local jail,
39 prison, or correctional facility, or any official or agent thereof,
40 shall be paid directly, after payment of reasonable attorney's fees

1 and litigation costs approved by the court, to satisfy any
2 outstanding restitution orders or restitution fines against that
3 person. The balance of the award shall be forwarded to the payee
4 after full payment of all outstanding restitution orders and
5 restitution fines, subject to subdivisions (e) and (i). The Department
6 of Corrections and Rehabilitation shall make all reasonable efforts
7 to notify the victims of the crime for which that person was
8 convicted concerning the pending payment of any compensatory
9 or punitive damages. For any prisoner punished by imprisonment
10 in a county jail pursuant to subdivision (h) of Section 1170, the
11 agency is authorized to make all reasonable efforts to notify the
12 victims of the crime for which that person was convicted
13 concerning the pending payment of any compensatory or punitive
14 damages.

15 (o) (1) Amounts transferred to the California Victim
16 Compensation and Government Claims Board for payment of
17 direct orders of restitution shall be paid to the victim within 60
18 days from the date the restitution revenues are received by the
19 California Victim Compensation and Government Claims Board.
20 If the restitution payment to a victim is less than fifty dollars (\$50),
21 then payment need not be forwarded to that victim until the
22 payment reaches fifty dollars (\$50) or until 180 days from the date
23 the first payment is received, whichever occurs sooner.

24 (2) If a victim cannot be located, the restitution revenues
25 received by the California Victim Compensation and Government
26 Claims Board on behalf of the victim shall be held in trust in the
27 Restitution Fund until the end of the state fiscal year subsequent
28 to the state fiscal year in which the funds were deposited or until
29 the time that the victim has provided current address information,
30 whichever occurs sooner. Amounts remaining in trust at the end
31 of the specified period of time shall revert to the Restitution Fund.

32 (3) (A) A victim failing to provide a current address within the
33 period of time specified in paragraph (2) may provide
34 documentation to the Department of Corrections and Rehabilitation,
35 which shall verify that moneys were collected on behalf of the
36 victim. Upon receipt of that verified information from the
37 Department of Corrections and Rehabilitation, the California
38 Victim Compensation and Government Claims Board shall transmit
39 the restitution revenues to the victim in accordance with the
40 provisions of subdivision (c) or (h).

(B) A victim failing to provide a current address within the period of time specified in paragraph (2) may provide documentation to the agency designated by the board of supervisors in the county where the prisoner punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170 is incarcerated, which may then verify that moneys were, in fact, collected on behalf of the victim. Upon receipt of that verified information from the agency, the California Victim Compensation and Government Claims Board shall transmit the restitution revenues to the victim in accordance with the provisions of subdivision (d) or (h).

SEC. 2.5. Section 2085.5 of the Penal Code is amended to read:

2085.5. (a) In any case in which a prisoner owes a restitution fine imposed pursuant to subdivision (a) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (b) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the Secretary of the Department of Corrections and Rehabilitation shall deduct a minimum of 20 percent or the balance owing on the fine amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law, and shall transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. ~~Any~~ The amount ~~so~~ deducted shall be credited against the amount owing on the fine. The sentencing court shall be provided a record of the payments.

(b) (1) When a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, in any case in which a prisoner owes a restitution fine imposed pursuant to subdivision (a) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (b) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the agency designated by the board of supervisors in the county where the prisoner is incarcerated is authorized to deduct a minimum of 20 percent or the balance owing on the fine amount, whichever is less, up to a maximum of 50 percent from the county jail equivalent of wages and trust account deposits of a prisoner, unless prohibited by federal law, and shall transfer that amount to the California Victim Compensation and Government

1 Claims Board for deposit in the Restitution Fund in the State
2 Treasury. ~~Any~~ The amount ~~so~~ deducted shall be credited against
3 the amount owing on the fine. The sentencing court shall be
4 provided a record of the payments.

5 (2) If the board of supervisors designates the county sheriff as
6 the collecting agency, the board of supervisors shall first obtain
7 the concurrence of the county sheriff.

8 (c) In any case in which a prisoner owes a restitution order
9 imposed pursuant to subdivision (c) of Section 13967 of the
10 Government Code, as operative prior to September 28, 1994,
11 subdivision (h) of Section 730.6 of the Welfare and Institutions
12 Code, or subdivision (f) of Section 1202.4, the Secretary of the
13 Department of Corrections and Rehabilitation shall deduct a
14 minimum of 20 percent or the balance owing on the order amount,
15 whichever is less, up to a maximum of 50 percent from the wages
16 and trust account deposits of a prisoner, unless prohibited by
17 federal law. The secretary shall transfer that amount to the
18 California Victim Compensation and Government Claims Board
19 for direct payment to the victim, or payment shall be made to the
20 Restitution Fund to the extent that the victim has received
21 assistance pursuant to that program. The sentencing court shall be
22 provided a record of the payments made to victims and of the
23 payments deposited to the Restitution Fund pursuant to this
24 subdivision.

25 (d) When a prisoner is punished by imprisonment in a county
26 jail pursuant to subdivision (h) of Section 1170, in any case in
27 which a prisoner owes a restitution order imposed pursuant to
28 subdivision (c) of Section 13967 of the Government Code, as
29 operative prior to September 28, 1994, subdivision (h) of Section
30 730.6 of the Welfare and Institutions Code, or subdivision (b) of
31 Section 1202.4, the agency designated by the board of supervisors
32 in the county where the prisoner is incarcerated is authorized to
33 deduct a minimum of 20 percent or the balance owing on the order
34 amount, whichever is less, up to a maximum of 50 percent from
35 the county jail equivalent of wages and trust account deposits of
36 a prisoner, unless prohibited by federal law. The agency shall
37 transfer that amount to the California Victim Compensation and
38 Government Claims Board for direct payment to the victim, or
39 payment shall be made to the Restitution Fund to the extent that
40 the victim has received assistance pursuant to that program, or

1 may pay the victim directly. The sentencing court shall be provided
2 a record of the payments made to the victims and of the payments
3 deposited to the Restitution Fund pursuant to this subdivision.

4 (e) The secretary shall deduct and retain from the wages and
5 trust account deposits of a prisoner, unless prohibited by federal
6 law, an administrative fee that totals 10 percent of any amount
7 transferred to the California Victim Compensation and Government
8 Claims Board pursuant to subdivision (a) or (c). The secretary
9 shall deduct and retain from any prisoner settlement or trial award,
10 an administrative fee that totals 5 percent of any amount paid from
11 the settlement or award to satisfy an outstanding restitution order
12 or fine pursuant to subdivision (n), unless prohibited by federal
13 law. The secretary shall deposit the administrative fee moneys in
14 a special deposit account for reimbursing administrative and
15 support costs of the restitution program of the Department of
16 Corrections and Rehabilitation. The secretary, at his or her
17 discretion, may retain any excess funds in the special deposit
18 account for future reimbursement of the department's
19 administrative and support costs for the restitution program or may
20 transfer all or part of the excess funds for deposit in the Restitution
21 Fund.

22 (f) When a prisoner is punished by imprisonment in a county
23 jail pursuant to subdivision (h) of Section 1170, the agency
24 designated by the board of supervisors in the county where the
25 prisoner is incarcerated is authorized to deduct and retain from the
26 county jail equivalent of wages and trust account deposits of a
27 prisoner, unless prohibited by federal law, ~~and an administrative~~
28 fee that totals 10 percent of any amount transferred to the California
29 Victim Compensation and Government Claims Board pursuant to
30 subdivision (b) or (d). The agency is authorized to deduct and
31 retain from ~~any a~~ prisoner settlement or trial award, an
32 administrative fee that totals 5 percent of any amount paid from
33 the settlement or award to satisfy an outstanding restitution order
34 or fine pursuant to subdivision (n), unless prohibited by federal
35 law. *Upon release from custody pursuant to subdivision (h) of*
36 *Section 1170, the agency is authorized to charge a fee to cover*
37 *the actual administrative cost of collection, not to exceed 10*
38 *percent of the total amount ordered to be paid.* The agency shall
39 deposit the administrative fee moneys in a special deposit account
40 for reimbursing administrative and support costs of the restitution

1 program of the agency. The agency is authorized to retain any
2 excess funds in the special deposit account for future
3 reimbursement of the agency's administrative and support costs
4 for the restitution program or may transfer all or part of the excess
5 funds for deposit in the Restitution Fund.

6 (g) In any case in which a parolee owes a restitution fine
7 imposed pursuant to subdivision (a) of Section 13967 of the
8 Government Code, as operative prior to September 28, 1994,
9 subdivision (b) of Section 730.6 of the Welfare and Institutions
10 Code, or subdivision (b) of Section 1202.4, the secretary, or, when
11 a prisoner is punished by imprisonment in a county jail pursuant
12 to subdivision (h) of Section 1170, the agency designated by the
13 board of supervisors in the county where the prisoner is
14 incarcerated, may collect from the parolee *or, pursuant to Section*
15 *2085.6, from a person previously imprisoned in county jail* any
16 moneys owing on the restitution fine amount, unless prohibited
17 by federal law. The secretary or the agency shall transfer that
18 amount to the California Victim Compensation and Government
19 Claims Board for deposit in the Restitution Fund in the State
20 Treasury. ~~Any~~ The amount ~~so~~ deducted shall be credited against
21 the amount owing on the fine. The sentencing court shall be
22 provided a record of the payments.

23 (h) In any case in which a parolee owes a direct order of
24 restitution, imposed pursuant to subdivision (c) of Section 13967
25 of the Government Code, as operative prior to September 28, 1994,
26 subdivision (h) of Section 730.6 of the Welfare and Institutions
27 Code, or paragraph (3) of subdivision (a) of Section 1202.4, the
28 secretary, or, when a prisoner is punished by imprisonment in a
29 county jail pursuant to subdivision (h) of Section 1170, the agency
30 designated by the board of supervisors in the county where the
31 prisoner is incarcerated or a local collection program, may collect
32 from the parolee ~~or~~ *or, pursuant to Section 2085.6, from a person*
33 *previously imprisoned in county jail* any moneys owing, unless
34 prohibited by federal law. The secretary or the agency shall transfer
35 that amount to the California Victim Compensation and
36 Government Claims Board for direct payment to the victim, or
37 payment shall be made to the Restitution Fund to the extent that
38 the victim has received assistance pursuant to that program. The
39 sentencing court shall be provided a record of the payments made
40 by the offender pursuant to this subdivision.

(i) The secretary, or, when a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, the agency designated by the board of supervisors in the county where the prisoner is incarcerated, may deduct and retain from ~~any~~ moneys collected from parolees *or persons previously imprisoned in county jail* an administrative fee that totals 10 percent of any amount transferred to the California Victim Compensation and Government Claims Board pursuant to subdivision (g) or (h), unless prohibited by federal law. The secretary shall deduct and retain from any settlement or trial award of a parolee an administrative fee that totals 5 percent of ~~any~~ *an* amount paid from the settlement or award to satisfy an outstanding restitution order or fine pursuant to subdivision (n), unless prohibited by federal law. The agency is authorized to deduct and retain from any settlement or trial award of a ~~parolee~~ *person previously imprisoned in county jail* an administrative fee that totals 5 percent of any amount paid from the settlement or award to satisfy an outstanding restitution order or fine pursuant to subdivision (n). The secretary or the agency shall deposit the administrative fee moneys in a special deposit account for reimbursing administrative and support costs of the restitution program of the Department of Corrections and Rehabilitation or the agency, as applicable. The secretary, at his or her discretion, or the agency may retain any excess funds in the special deposit account for future reimbursement of the department's or agency's administrative and support costs for the restitution program or may transfer all or part of the excess funds for deposit in the Restitution Fund.

(j) When a prisoner has both a restitution fine and a restitution order from the sentencing court, the Department of Corrections and Rehabilitation shall collect the restitution order first pursuant to subdivision (c).

(k) When a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170 and that prisoner has both a restitution fine and a restitution order from the sentencing court, if the agency designated by the board of supervisors in the county where the prisoner is incarcerated collects the fine and order, the agency shall collect the restitution order first pursuant to subdivision (d).

(l) When a parolee has both a restitution fine and a restitution order from the sentencing court, the Department of Corrections

1 and Rehabilitation, or, when the prisoner is punished by
2 imprisonment in a county jail pursuant to subdivision (h) of Section
3 1170, the agency designated by the board of supervisors in the
4 county where the prisoner is incarcerated, may collect the
5 restitution order first, pursuant to subdivision (h).

6 (m) If an inmate is housed at an institution that requires food
7 to be purchased from the institution canteen for unsupervised
8 overnight visits, and if the money for the purchase of this food is
9 received from funds other than the inmate's wages, that money
10 shall be exempt from restitution deductions. This exemption shall
11 apply to the actual amount spent on food for the visit up to a
12 maximum of fifty dollars (\$50) for visits that include the inmate
13 and one visitor, seventy dollars (\$70) for visits that include the
14 inmate and two or three visitors, and eighty dollars (\$80) for visits
15 that include the inmate and four or more visitors.

16 (n) ~~Any compensatory~~ *Compensatory* or punitive damages
17 awarded by trial or settlement to any inmate, parolee, person placed
18 on postrelease community supervision pursuant to Section 3451,
19 or defendant on mandatory supervision imposed pursuant to
20 subparagraph (B) of paragraph (5) of subdivision (h) of Section
21 1170, in connection with a civil action brought against ~~any a~~
22 federal, state, or local jail, prison, or correctional facility, or any
23 official or agent thereof, shall be paid directly, after payment of
24 reasonable attorney's fees and litigation costs approved by the
25 court, to satisfy any outstanding restitution orders or restitution
26 fines against that person. The balance of ~~any the~~ award shall be
27 forwarded to the payee after full payment of all outstanding
28 restitution orders and restitution fines, subject to subdivisions (e)
29 and (i). The Department of Corrections and Rehabilitation shall
30 make all reasonable efforts to notify the victims of the crime for
31 which that person was convicted concerning the pending payment
32 of any compensatory or punitive damages. For any prisoner
33 punished by imprisonment in a county jail pursuant to subdivision
34 (h) of Section 1170, the agency is authorized to make all reasonable
35 efforts to notify the victims of the crime for which that person was
36 convicted concerning the pending payment of any compensatory
37 or punitive damages.

38 (o) (1) Amounts transferred to the California Victim
39 Compensation and Government Claims Board for payment of
40 direct orders of restitution shall be paid to the victim within 60

1 days from the date the restitution revenues are received by the
2 California Victim Compensation and Government Claims Board.
3 If the restitution payment to a victim is less than fifty dollars (\$50),
4 then payment need not be forwarded to that victim until the
5 payment reaches fifty dollars (\$50) or until 180 days from the date
6 the first payment is received, whichever occurs sooner.

7 (2) ~~In any case in which~~ If a victim cannot be located, the
8 restitution revenues received by the California Victim
9 Compensation and Government Claims Board on behalf of the
10 victim shall be held in trust in the Restitution Fund until the end
11 of the state fiscal year subsequent to the state fiscal year in which
12 the funds were deposited or until the time that the victim has
13 provided current address information, whichever occurs sooner.
14 Amounts remaining in trust at the end of the specified period of
15 time shall revert to the Restitution Fund.

16 (3) (A) ~~Any~~ A victim failing to provide a current address within
17 the period of time specified in paragraph (2) may provide
18 documentation to the Department of Corrections and ~~Rehabilitation~~
19 *Rehabilitation*, which ~~in turn~~ shall verify that moneys were ~~in fact~~
20 collected on behalf of the victim. Upon receipt of that verified
21 information from the Department of Corrections and Rehabilitation,
22 the California Victim Compensation and Government Claims
23 Board shall transmit the restitution revenues to the victim in
24 accordance with the provisions of subdivision (c) or (h).

25 (B) ~~Any~~ A victim failing to provide a current address within the
26 period of time specified in paragraph (2) may provide
27 documentation to the agency designated by the board of supervisors
28 in the county where the prisoner punished by imprisonment in a
29 county jail pursuant to subdivision (h) of Section 1170 is
30 incarcerated, which ~~in turn~~ may verify that moneys were ~~in fact~~
31 collected on behalf of the victim. Upon receipt of that verified
32 information from the agency, the California Victim Compensation
33 and Government Claims Board shall transmit the restitution
34 revenues to the victim in accordance with the provisions of
35 subdivision (d) or (h).

36 *SEC. 3. Sections 1.5 and 2.5 of this bill shall only become*
37 *operative if both this bill and Senate Bill 1197 of the 2013–14*
38 *Regular Session are enacted and become operative on or before*

1 *January 1, 2015, in which case Sections 1 and 2 of this bill shall*
2 *not become operative.*

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